

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

KUPAA KEA,

3:22-cv-00115-MMD-CSD

Plaintiff,

v.

ORDER RE: SERVICE OF PROCESS

DIVISION OF PAROLE &
PROBATION, et al.,

Defendants.

On August 29, 2022, Chief District Judge Miranda M. Du issued an order permitting Plaintiff's complaint to proceed on Claims 4 and 5 against Defendants Congdon and Digesti and dismissed the remaining claims with leave to amend. (ECF No. 8 at 3, 4.) The court gave Plaintiff 21 days from the date of that order to file an amended complaint curing the deficiencies of the complaint. (*Id.*) The court specifically stated that if Plaintiff chose not to file an amended complaint, the action would proceed only on Claims 4 and 5 against Defendants Congdon and Digesti. (*Id.*) Plaintiff has not filed an amended complaint.

Pursuant to the court's order, Plaintiff's complaint will proceed on Claims 4 and 5 against Defendants Congdon and Digesti.

IT IS HEREBY ORDERED that the Clerk of Court shall **ISSUE** summonses for Defendants Congdon and Digesti, **and deliver the same**, to the U.S. Marshal for service. The Clerk also shall **send** sufficient copies of the complaint (ECF No. 9) and this order to the U.S. Marshal for service on the Defendants.

1 **IT IS FURTHER ORDERED** that the Clerk shall **send** to Plaintiff **two (2)** USM-285 forms.
2 Plaintiff will have **thirty (30) days** from the date of this order within which to furnish to the
3 U.S. Marshal the required USM-285 forms with relevant information as to Defendants Congdon and
4 Digesti on each form.

5 **IT IS FURTHER ORDERED** that within **twenty (20) days** after receiving from the
6 U.S. Marshal a copy of the USM-285 form showing whether service has been accomplished on
7 Defendants Congdon and Digesti, Plaintiff must file a notice with the court indicating whether
8 Defendants were served. If Plaintiff wishes to have service again attempted on an unserved Defendant,
9 then a motion must be filed with the court identifying the unserved Defendant and specifying a more
10 detailed name and/or address for said Defendant, or whether some other manner of service should be
11 attempted.
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13 **IT IS FURTHER ORDERED** that Plaintiff will serve upon Defendant(s) or, if an appearance
14 has been entered by counsel, upon their attorney(s), a copy of every pleading, motion or other
15 document submitted for consideration by the court. If Plaintiff electronically files a document with the
16 court's electronic-filing system, no certificate of service is required. Fed. R. Civ. P. 5(d)(1)(B); Nev.
17 Loc. R. IC 4-1(b); Nev. Loc. R. 5-1. However, if Plaintiff mails the document to the court, Plaintiff
18 shall include with the original document submitted for filing a certificate stating the date that a true
19 and correct copy of the document was mailed to the Defendants or counsel for the Defendants. If
20 counsel has entered a notice of appearance, Plaintiff shall direct service to the individual attorney
21 named in the notice of appearance, at the physical or electronic address stated therein. The court may
22 disregard any document received by a district judge or magistrate judge which has not been filed with
23 the Clerk, and any document received by a district judge, magistrate judge, or the Clerk which fails to
24 include a certificate showing proper service when required.
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DATED: November 7, 2022.

CSB
UNITED STATES MAGISTRATE JUDGE